

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

S. SHANE SMITH,)	
)	
Plaintiff,)	
)	
v.)	1:16CV396
)	
FRANK L. PERRY, et al.,)	
)	
Defendants.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on July 16, 2018, was served on the parties in this action. Plaintiff filed a response indicating that he had no objections. (Doc. 79). On August 17, 2018, the court entered a Judgment on the Order. (Doc. 83.) The purpose of this Order is to vacate the Judgment, which should have been entered as an Order, and to enter this Order in lieu thereof, entering the same relief.

The court has reviewed and hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Judgment entered August 17, 2018, (Doc. 83) is VACATED, and Peeler's motion for summary judgment (Doc. 60) is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

August 20, 2018